

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 4:21 CR 304
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	ORDER ACCEPTING PLEA
	)	AGREEMENT, JUDGMENT AND
HOMER CARNES, JR.,	)	REFERRAL TO U.S. PROBATION
	)	<u>OFFICE</u>
Defendant	)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Jonathan D. Greenberg, regarding the change of plea hearing of Homer Carnes, Jr., which was referred to the Magistrate Judge with the consent of the parties.

On April 29, 2021 the government filed a 6 count Indictment, charging Defendant Carnes with Distribution of Methamphetamine and Possession with Intent to Distribute Methamphetamine, in violation of Title 21 § 841(a)(a) and (b)(1)( C ), Felon in Possession of Firearms , in violation of Title 18 § 922(g)(1) and 924(a)(2), Possession of Firearms by Person with Prior Misdemeanor Domestic Violence Conviction, in violation of Title 18 § 922(g)(9) and (924(a)(2), and Possessing a Firearm in Furtherance of a Drug Trafficking Crime, in violation of Title 18 § 924( c )(1)(A)(i).

On May 18, 2021 Magistrate Judge Greenberg held an arraignment, during which Mr. Carnes entered a plea of not guilty to the charges. On September 28, 2022 Magistrate Judge Greenberg received Defendant's plea of guilty to counts 1, 2, 3, and 6 of the Indictment, with a written plea agreement, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after

it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Huie is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Homer Carnes, Jr. is adjudged guilty to counts 1, 2, 3, and 6 of the Indictment, in violation of Title 21 § 841(a)(a) and (b)(1)(C), and Title 18 § 924(c)(1)(A)(i). This matter was referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be held on January 18, 2023 at 2:00 p.m. in Courtroom 19A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

UNITED STATES DISTRICT JUDGE

October 21, 2022